BILL NO. Z-87-02-24 (AS AMENDED)

ZONING MAP ORDINANCE NO. Z-18-87

AN ORDINANCE amending the City of Fort Wayne Zoning Map No. S-14.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated a B-1-B (Limited Business) District under the terms of Chapter 33 of the Code of the City of Fort Wayne, Indiana of 1974:

Lots 138, 139, 140, 141, 142, 143, 144, 83, 82, 81, 80, 162, 161, 160, 159, 158, and adjacent vacated 1/2 of Vermont Avenue in Delta Heights Addition.

and the symbols of the City of Fort Wayne Zoning Map No. S-14, as established by Section 11 of Chapter 33 of the Code of the City of Fort Wayne, Indiana are hereby changed accordingly.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Janet G. Bradbury

COUNCILMEMBER

APPROVED AS TO FORM AND LEGALITY:

BRUCE O. BOXBERGER, CITY ATTORNEY

Read the first time in full and on motion by Bradbury seconded by Redd, and duly adopted, read the second ti by title and referred to the Committee Regulations (and the C Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wa Indiana, on ~~[illegible]~~, the ~~[illegible]~~ day of ~~[illegible]~~, 19____, at ~~[illegible]~~ o'clock ___.M.,

DATE: 2-24-87 Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Bradbury seconded by Talarico, and duly adopted, placed on it passage. PASSED (~~LOST~~) by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT	TO-WIT:
TOTAL VOTES	___	___	1	1	___
BRADBURY	✓	___	___	___	___
BURNS	___	___	✓	___	___
EISBART	✓	___	___	___	___
GiaQUINTA	___	___	___	✓	___
HENRY	✓	___	___	___	___
REDD	✓	___	___	___	___
SCHMIDT	✓	___	___	___	___
STIER	✓	___	___	___	___
TALARICO	✓	___	___	___	___

DATE: 7-28-87 Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (~~ANNEXATION~~) (APPROPRIATION) (GENERAL) (~~SPECIAL~~) (ZONING MAP) ORDINANCE (~~RESOLUTION~~) NO. 3-18-87 on the 28th day of July, 19 87

ATTEST: (SEAL)
Sandra E. Kennedy — Thomas C. Henry
SANDRA E. KENNEDY, CITY CLERK — PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana on the 29th day of July, 19 87 at the hour of 10:00 o'clock A.M.,E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 29th day of July, 19 87, at the hour of 11:00 o'clock A.M.,E.S.T.

Win Moses, Jr.
WIN MOSES, JR., MAYOR

BILL NO. Z-87-02-24

ZONING MAP ORDINANCE NO. Z-_____

AN ORDINANCE amending the City of Fort Wayne Zoning Map No. S-14.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated a B-3-B (General Business) District under the terms of Chapter 33 of the Code of the City of Fort Wayne, Indiana of 1974:

Lots 136, 137, 138, 139, 140, 141, 142, 143, 144, 85, 84, 83, 82, 81, 80, 162, 161, 160, 159, 158, and adjacent vacated 1/2 of Vermont Avenue in Delta Heights Addition.

and the symbols of the City of Fort Wayne Zoning Map No. S-14, as established by Section 11 of Chapter 33 of the Code of the City of Fort Wayne, Indiana are hereby changed accordingly.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Janet G. Bradbury
COUNCILMEMBER

APPROVED AS TO FORM AND LEGALITY:

BRUCE O. BOXBERGER, CITY ATTORNEY

Prescribed by State Board of Accounts

A.E. BOYCE CO., MUNCIE, IND. GENERAL FORM NO. 352

RECEIPT

CK# 257

№ 1163

COMMUNITY DEVELOPMENT & PLANNING

FT. WAYNE, IND., 1-5 19 87

RECEIVED FROM Chen-Nan Chen $ 50.00

THE SUM OF fifty + 00/100 DOLLARS

ON ACCOUNT OF

Vizoning E. Columbia

for B

AUTHORIZED SIGNATURE

PETITION FOR ZONING ORDINANCE AMENDMENT

RECEIPT NO. _____

DATE FILED _____

INTENDED USE _____

THIS IS TO BE FILED IN DUPLICATE

I/We Chen-nan Chen, Mei-tswan Chen, Thomas P. Jehl
(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne Indiana, by reclassifying from a/an R-1 District to a/an B-3B District the property described as follows:

Delta Heights Addition. Lot Number 136,137,138,139,140,141,142,143,144, 85, 84,83,82,81,80,162,161,160,159,158 &adjacent vacated ½ Vermont Avenue.

Record Book: Page:

(Legal Descrption) If additional space is needed, use reverse side.

ADDRESS OF PROPERTY IS TO BE INCLUDED:

Coliseum Blvd No. between Lake & State

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

Chen-nan Chen	6106 Groveland Drive	Chen-nan Chen
Mei-tswan Chen	Fort Wayne, IN. 46835 as above	Mei-Tswan Chen
Jehl Homes Corp. Thomas P. Jehl	1928 Inwood Drive Fort Wayne, IN. 46815	Thomas P Jehl
(Name)	(Address)	(Signature)

(If additional space is needed, use reverse side.)

Legal Description checked by _____.
(OFFICE USE ONLY)

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or requst that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordinan being sent to the newspaper for legal publication. If the request for deferral continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at whic it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the matt for hearing before the City Plan Commission. (FILING FEE $50.00)

Name and address of the preparer, attorney or agent.

Chen-nan Chen	as above	office:426-5431 extension 433,334 home:486-1319
(Name)	(Address & Zip Code)	(Telephone Number)

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street, Fort Wayne, IN 46802 (PHONE: 219/ 427-1140).

Applicants, Property owners and preparer shall be notified of the Public Hearir approximately ten (10) days prior to the meeting.

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on February 24, 1987 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-87-02-24; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on February 23, 1987.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact":

(1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;

(2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;

(3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;

(4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,

(5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resoluton adopted at the meeting of the Fort Wayne City Plan Commission held March 2, 1987.

Certified and signed this
18th day of June 1987.

Robert Hutner
Secretary

ORIGINAL

ORIGINAL Admn. Appr. _____

COUNCILMANIC DISTRICT No. ____ DIGEST SHEET

TITLE OF ORDINANCE Zoning Ordinance Amendment 3-87-02-24

DEPARTMENT REQUESTING ORDINANCE Land Use Management - CD&P

SYNOPSIS OF ORDINANCE Coliseum B1 North between Lake Avenue and East State Street

EFFECT OF PASSAGE Property is presently zoned R-1 - Single Family Residential. Property will become B-3-B - General Business.

Plan Commission has Perfected this request to a B-1-B District - Limited Business.

EFFECT OF NON-PASSAGE Property will remain R-1 - Single Family Residential.

MONEY INVOLVED (Direct Costs, Expenditures, Savings)

(ASSIGN TO COMMITTEE (J.N.)

petition 294 signatures against

FACT SHEET

Z-87-02-24

BILL NUMBER

Division of Community Development & Planning

BRIEF TITLE	APPROVAL DEADLINE	REASON
Zoning Ordinance Amendment From R-1 to B-3-B		

DETAILS

Specific Location and/or Address

1500 Block of Coliseum Blvd., North

Reason for Project

Future development of a restaurant.

Discussion (Including relationship to other Council actions)

February 23, 1987 - Public Hearing

Chen-nan Chen, petitioner and property owner stated that if the property were to be rezoned he intended to construct a Chinese restaurant.

Edith Kenna questioned why the staff had requested that this request be deferred.

Wayne O'Brien, Planner with CD&P stated that Tom Jehl the other petitioner had met with staff prior to the hearing to look at an overall proposal in the area. He stated that in view of that and the fact that Mr. Jehl was unable to attend the meeting staff was suggesting to the Commission a deferral until Mr. Jehl can get some other properties to join in the petition and have a better overall designed plan.

Mr. Chen stated that although Mr. Jehl has included some of his property in the petition he was not associated with Mr. Jehl.

Edith Kenna questioned if a B3B was needed

POSITIONS	RECOMMENDATIONS
Sponsor	City Plan Commission
Area Affected	**City Wide** **Other Areas**
Applicants/ Proponents	**Applicant(s)** Chen-nan Chen / Tom Jehl **City Department** **Other**
Opponents	**Groups or Individuals** James Ackmann Richard Reddeman **Basis of Opposition** -decrease property values -restaurant would cause a debris problem in area
Staff Recommendation	☒ For ☐ Against **Reason Against**
Board or Commission Recommendation	**By** ☒ For ☐ Against ☐ No Action Taken ☒ For with revisions to condition **(See Details column for condition** Perfect to B-1-B.
CITY COUNCIL ACTIONS (For Council use only)	☐ Pass ☐ Other ☐ Pass (as amended) ☐ Hold ☐ Council Sub. ☐ Do not pas

DETAILS

for a restaurant.

Mr. O'Brien stated it was not a B-1 District would suffice.

Mr. Chen stated a B-1 would be okay but he preferred a B-3-B because a B-1 does not allow for a drive through.

Edith Kenna questioned the need for a B3B zoning after hearing Mr. Chen's explanation of his business (which does not have a drive through service) and advised Mr. Chen to speak with staff regarding the necessary zoning.

Steve Smith questioned if Mr. Chen would be agreeable to a deferral.

Mr. Chen stated he would prefer that they took action on his request due to the time constraints he is under in order to build.

Baron Biedenweg questioned what Mr. Jehl's intentions were.

Wayne O'Brien stated that the project that Mr. Jehl spoke about with staff would take in approximately 3½ to 4 blocks from Lake Avenue to the north and connect the petition from last month down towards Lake to the existing offices located to the north. He is looking at the east and west sides of Inwood in that area.

James Ackmann, 1636 Inwood Drive, submitted a letter to the Commission with the concerns of the neighborhood. He stated that they have slowly been taken over by business zoning in the area. He stated the area in question is a woods and works as a buffer between the residences and the highway. He stated that if the property is rezoned they will probably lose the wooded buffer, and there is a possibility of using Inwood Drive as a rear access. He stated that the prospect of looking ou of their homes at a restaurant's trash is not pleasant. He stated they already have a problem with the Elegant Farmer, as well as a problem with rats in the are due to the trash. He stated that if the Commission does approve the rezoning they would request the Commission does not allow access on Inwood Drive and if it is granted on Inwood Drive that Mr. Chen, applicant, be assesed for the improvements to the street. He stated they would also request that there be som type of buffering between the residences and the highway.

Richard Reddeman, 1706 Inwood Drive, stat he was a member of the Concordia Luthern congregation and submitted to the Commiss a petition in opposition to the rezoning request with some 294 signatures of the members of the congregration. Mr. Reddem stated they are fearful that any retail will have an increased traffic flow. He stated they are also fearful of the trash and mess created by a restaurant.

In rebuttal, Mr. Chen stated he would kee a very clean and orderly restaurant. He stated that his business depends upon the aesthetic quality of his building and he would not jeopardize his business.

There was no one else present who wished to speak in favor of or in opposition to the proposed rezoning.

POLICY/PROGRAM IMPACT

Policy or Program Change	☐ No ☐ Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start **Date** 1/5/87

Projected Completion or Occupancy **Date** 6-24-87

Fact Sheet Prepared by **Date** 6-24-87

Patricia Biancaniello

Reviewed by **Date** 6/24/87

Reference or Case Number

March 23, 1987

Amendment to Conditions on Bill # Z-87-02-24

After meeting with representatives of both the Inwood Drive area, and the petitioner, a compromise solution have evolved, which will benefit both parties without undue constraints. We therefore recommend to the Plan Commission, that they amend their "Conditional Approval", to the following:

Perfect to include the area from the Nevada Ave. right-of-way, south, to B-1-B, and Conditionally Approve, contingent upon the petitioner satisfying the following:

1) A restrictive covenant should be entered into with the adjacent property owners, in a form acceptable to the Commissions attorney, that provides for:

a) A 6 foot high wooden fence to be placed 15 feet from the Inwood Drive. property line, from the south lot line of lot 80, to extend along the area of development, up to and at the Nevada Ave. property line. Said fence to comply with the traffic sight restrictions. Fence to be approved by the C.D.& P. Landscape Architect, and must be installed prior to issuance of the occupancy permit;

b) To provide a visual screen above the 6 foot fence, a landscape area between the fence and the property line must be planted, using the existing trees if desired, and must be approved by the C.D.& P. Landscape Architect. The landscape screen must be installed prior to the issuance of the occupancy permit;

c) The area along Inwood Drive to be fenced and landscaped, should be extended south, upto lot 158, as future development takes place. All future fence and landscape plans must be approved by the C.D.&P. Landscape Architect;

d) The petitioner/property owner must agree to perpetually maintain the fence, and the landscape area, to the satisfaction of the residential property owners, on Inwood Drive;

e) No access shall be granted to/from Inwood Drive and/or Coliseum Blvd.;

f) Should the land use on lots 75 through 79 and 163 through 167 in Delta Heights Subdivision change to non-residential, the above conditions a) through e) are subject to change by mutual agreement between the affected parties.

g) Covenant should provide for injunctive relief, and attorney fees in connection with any action pursuant to violation.

Amendment / Continued

2) Access to the subject property to be permitted only from Nevada Avenue and the location of this access shall be approved by the City Traffic Engineering Department. No access to the subject property shall be granted from Inwood Drive as long as the land use on lots 75 through 79, and 163 through 167 in Delta Heights Sudivision is residential. No access to subject property shall be granted to Coliseum Blvd.

3) A 40 foot wide public access easement for a frontage road must be granted to allow access for uses on lots south of lots 80 and 141 to Nevada Ave. This easement may be vacated by the city when access to Inwood Drive from these lots is permitted.

4) The petitioner is to construct and maintain the frontage road to applicable city standards, when directed to do so by the City of Fort Wayne.

5) Petitioner is to provide a recorded document, in a form acceptable to the Commissions attorney, agreeing to items 3 and 4 above, and:

a) Any driveways shall be subject to review and closure ,by the owner, at the discretion of the Traffic Engineering Dept.;

b) Any obstructions to the frontage road shall be removed at the owners expense.

Bill No. Z-87-02-24 - Continued

March 2, 1987 - Business Meeting

Motion was made to Perfect the request to a B-1-B and conditionally approve.

Of the 8 members present 7 voted in favor of the recommendation one (1) did not vote. Motion carried.

At the March 23, 1987 Business Meeting this rezoning was brought back to the Commission for a reconsideration of conditions. At that time the Commission voted for the amended conditions. Those conditions are attached. The conditions stated have been satisfied by the petitioner.

Held till 7/28/87.

BILL NO. Z-87-02-24 (as amended)

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS REFERRED AN (ORDINANCE) ~~(RESOLUTION)~~ amending the City of Fort Wayne Zoning Map No. S-14

HAVE HAD SAID (ORDINANCE) ~~(RESOLUTION)~~ UNDER CONSIDERATION AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID (ORDINANCE) ~~(RESOLUTION)~~ Do Pass

YES	NO
Janet G. Bradbury JANET G. BRADBURY CHAIRPERSON	~~Janet G. Bradbury~~
Charles B. Redd CHARLES B. REDD VICE CHAIRMAN	
Thomas C. Henry THOMAS C. HENRY	
PAUL M. BURNS	
BEN A. EISBART	

CONCURRED IN 7-28-87

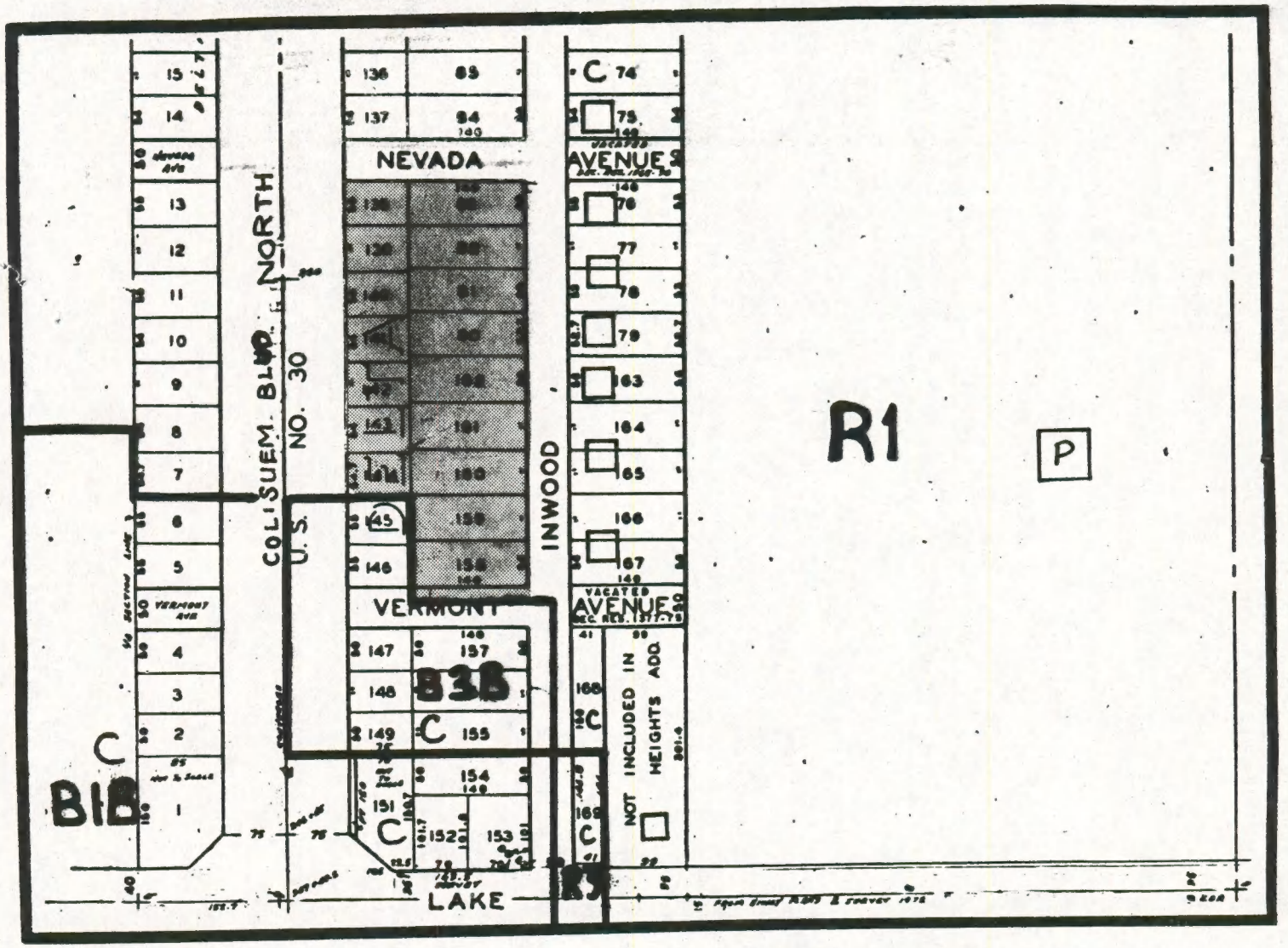
SANDRA E. KENNEDY
CITY CLERK

REZONING PETITION # 878

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING THE DESCRIBED PROPERTY FROM AN R-1 DISTRICT TO A B-3B DISTRICT.

MAP NO. S-14

COUNCILMANIC DISTRICT NO. 2



ZONING:

R1 RESIDENTIAL DISTRICT
R3 RESIDENTIAL DISTRICT
B1B LIMITED BUSINESS 'B'

LAND USE:

- ☐ SINGLE FAMILY
- [C] COMMERCIAL
- [P] PUBLIC - CHURCH

AS AMENDED

LW

N

SCALE: 1" = 235'

20

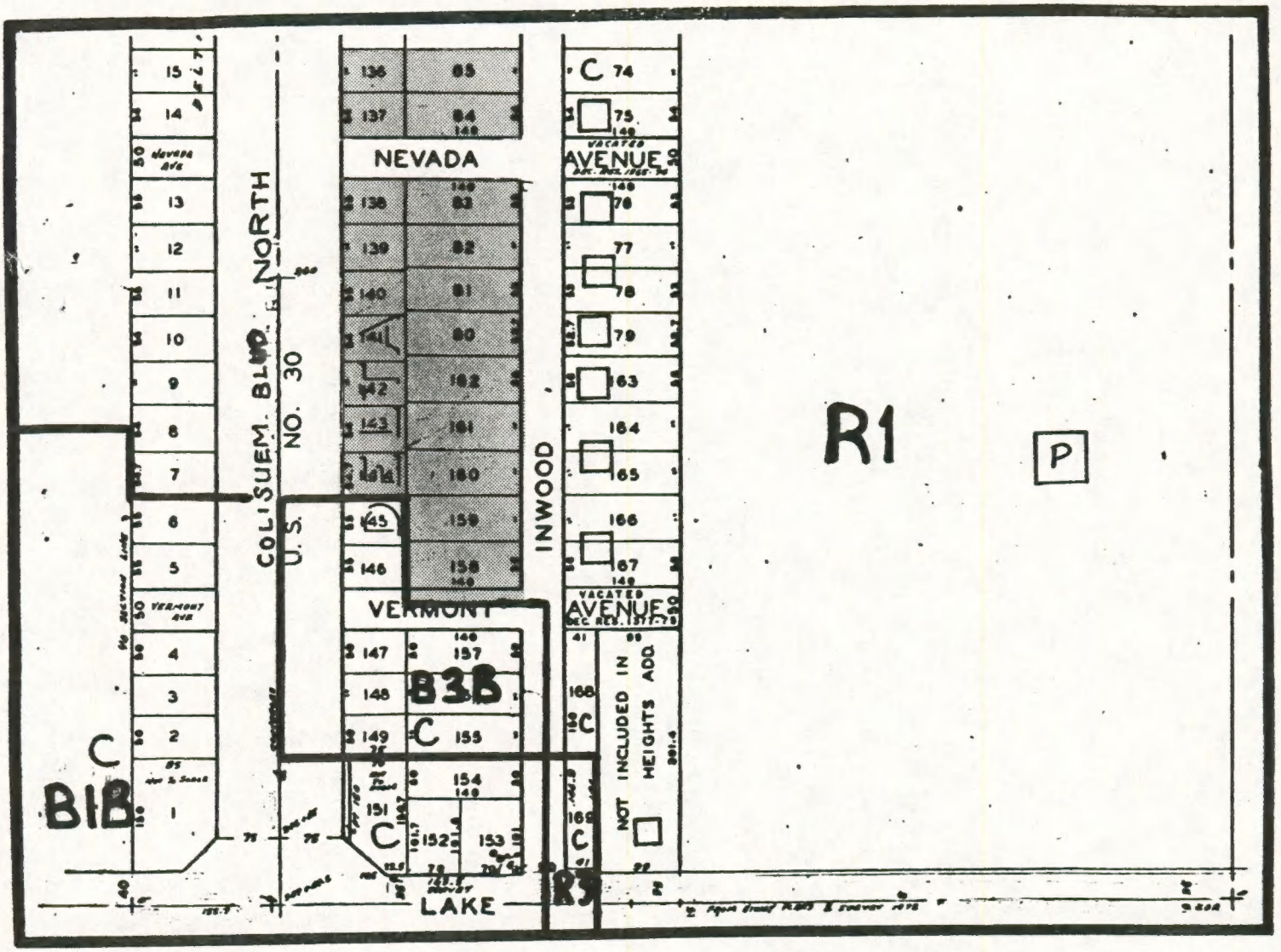
DATE: 1-29-87

REZONING PETITION #248

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING THE DESCRIBED PROPERTY FROM AN R-1 DISTRICT TO A B-3B DISTRICT.

MAP NO. S-14

COUNCILMANIC DISTRICT NO. 2



ZONING:

R1 RESIDENTIAL DISTRICT
R3 RESIDENTIAL DISTRICT
B1B LIMITED BUSINESS 'B'

LAND USE:

- ☐ SINGLE FAMILY
- [C] COMMERCIAL
- [P] PUBLIC - CHURCH

LW

N

SCALE: 1" = 235

DATE: 1-29-87